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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,391	03/16/2004	Woonhee Hwang	944-003,207	3686
4955                      7590                      11/19/2008 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER				
VU, MICHAEL T				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
11/19/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/802,391

**Applicant(s)**

HWANG ET AL.

**Examiner**

MICHAEL T. VU

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 09/02/2008

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 09/02/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 50-68 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 50-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (US 2004/0160925) in view of Kim (US 2005/0013263).

**Regarding Claims 50, 53, 60, 61, 62, 64, 65, 66, and 67**, Heo teaches a method of configuring a radio uplink (Figure #2, Radio Uplink Communication System) comprising: receiving information having both a cell specific parameter [0022-0029] and

a radio link specific parameter (Figure #2, [0022-0029, 0037-0047]), in respective messages on an interface between a network element [0022-0029] and a radio network controller for configuring the radio uplink from a user equipment to the network element [0022-0029, 0037-0047], configuring the radio uplink at the network element [0022-0029], and

**But Heo does not clearly teach** receiving a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element, wherein at least one of said respective messages enables said configuring the radio uplink.

However, Kim teaches receiving a payload packet from the user equipment to the network element over the radio uplink after the uplink is configured at the network element [0007-0018], wherein at least one of said respective messages enables said configuring the radio uplink [0043-0046].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heo, with Kim's teaching, in order to enhance the transmission to the content of messages for reducing the delay services within in the mobile communication such as multimedia, video-clips, e-mail, gaming, and video-streaming packets etc.

**Regarding Claim 51**, Heo and Kim teach the method of claim 50, further comprising: acknowledging correct reception of the payload packet at the network element on a radio downlink from the network element to the user equipment [0043-

0046], and sending the payload packet from the network element to the radio network controller following said correct reception from the user equipment [0043-0046] of Kim.

**Regarding Claim 52**, Heo and Kim teach the method of claim 50, wherein said receiving by said network element includes receiving at least one parameter indicative of boundaries within which choices may be made by said network element [0043-0046] of Kim.

**Regarding Claim 54**, Heo and Kim teach the method of claim 53, wherein said sending by said radio network controller includes sending at least one parameter to said network element indicative of boundaries within which choices may be made by said network element [0043-046] of Kim.

**Regarding Claim 55**, Heo and Kim teach the method of claim 53, further comprising sending the information on an interface between the radio network controller [0043-046] and another radio network controller for relay to another network element for configuring an uplink between the other network element and the user equipment [0043-046] all of Kim.

**Regarding Claim 56**, Heo and Kim teach the method of claim 53 wherein prior to said sending said information element on said interface between said network element and said radio network controller [0025-0029, 0043-0046], said radio network controller decides a value for said cell specific parameter **or** said radio link specific parameter [0025-0029, 0043-0046], **or** both, for said sending said information element with said cell specific parameter and said radio link specific parameter in said one **or** more

messages on said interface from said radio network controller to said network element [0025-0029, 0043-0046] all of Kim.

**Regarding Claim 57**, Heo and Kim teach the method of claim 53, wherein said radio network controller is responsive to signaling from said network element with a proposed value **or** values for said cell specific parameter [0025-0029, 0043-0046], said radio link specific parameter [0025-0029, 0043-0046], **or** both, and said radio network controller carries out said sending said information element either confirming **or** changing said proposed value **or** values [0025-0029, 0043-0046] all of Kim.

**Regarding Claim 58**, the combination of Heo and Kim teach the method of claim 55, wherein said configuring the uplink between the other network element [0006-0018] and the user equipment comprises configuring the uplink between the other network element [0006-0018] and the user equipment followed by sending the payload packet from the user equipment to the other network element over the radio uplink between the user equipment [0006-0018] and the other network element for sending the payload packet to the radio network controller [0006-0018], and [0025-0029, 0043-0046] all of Kim.

**Regarding Claim 59**, the combination of Heo and Kim teach the method of claim 58, further comprising: acknowledging correct reception of the payload packet at the network element on a radio downlink from the network element to the user equipment [0025-0029, 0043-0046], and acknowledging correct reception of the payload packet at the other network element on a radio downlink from the other network element to the user equipment[0006-0018], and [0025-0029, 0043-0046] all of Kim.

**Regarding Claim 63**, Heo and Kim teach the apparatus of claim 62, wherein the information is arranged to configure a second radio uplink between the second network element (CDMA, UMTS networks, [0005]) and the user equipment [0006-0018], the first radio network controller being configured to receive a payload packet from the network element over the first interface [0006-0018], the second radio network controller being configured to receive the payload packet from the second network element after receipt by the second network element from the user equipment over the second radio uplink [0005-0018, 0025-0029, 0043-0046], and the second radio network controller being configured to send the payload packet received from the second network element to the radio network controller following the reception by the second network element from the user equipment for transfer from the second radio network controller to the first radio network controller [0005-0018], and [0025-0029, 0043-0046] all of Kim.

**Regarding Claim 68**, Heo and Kim teach the apparatus of claim 67, wherein the network element is arranged to acknowledge reception of the payload packet [0043-0046], on a radio downlink from the network element to the user equipment [0025-0029, 0043-0046] all of Kim.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Vu/  
Examiner  
AU-2617

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617